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HIGH COURT OF CHHATTISGARH AT BILASPUR

W.P.(S) No.4794 of 2007

PETITIONER S.R. Paramhansh, aged about 59 years, son of Shri Jani Ram, Occupation-Service, presently posted as Assistant Teacher, Boys Pre-matric Hostel, Janjgir, Department of Tribal Development, Janjgir-Champa(CG)

Versus

RESPONDENTS

1. State of Chhattisgarh, Through The Secretary, Department of Schedule Caste and Schedule Tribe Development Welfare, DKS, Bhawan Raipur(CG)
2. The Deputy Secretary, Department of Schedule Caste and Schedule Tribe Development Welfare, Dau Kalyan Singh Bhawan, Raipur(CG)
3. Commissioner, Department of Tribal Welfare, Raipur(CG)
4. Collector District Janjgir-Champa(CG)
5. Assistant Commissioner, Department of Tribal Welfare, District Janjgir Champa(CG)

WRIT PETITION UNDER ARTICLE 226 OF THE CONSTITUTION OF INDIA

Presence :

Shri V.Vijay, counsel for the petitioner.

Shri Ajay Dwivedi, Panel Lawyer for the State on advance copy.

ORAL ORDER
(20.11.2007)

SUNIL KUMAR SINHA, J.

Heard finally with the consent of the parties.

The petitioner, who is working on the post of Assistant Teacher, has been transferred from Chhatravas Janjgir, District Janjgir to Primary School, Siliyari, Vikas Khand Pali, District Korba(wrongly written as district Janjgir in the impugned order).

Learned counsel for the petitioner argues that the seniorities of Assistant Teachers are maintained district-wise and the name of the petitioner is at Sr.No.3 in the gradation list of district Janjgir Champa. He shows me Annexure P-5 (gradation list) filed along with I.A.No.3. He also argues that the gradation list of district Korba has also been filed, according to which, on the basis of initial date of appointment, the seniority of the petitioner would be fixed at just after Sr. No.65. His submission is that if the order is effected, it shall affect the seniority of the petitioner and that may be disadvantageous to him in future, therefore, the order is bad in law.

I have perused the gradation lists of both the districts and have also heard the counsel for the parties.

Having heard learned counsel for the petitioner as also the State, I am of the opinion that this petition can be finally disposed of with a direction to the petitioner to file a representation before the concerned authority and the concerned authority is also directed to dispose of the representation at the earliest.

It is directed that if so advised, the petitioner may file a detailed representation along with the copy of this order and a copy of writ petition before the concerned authority within a period of 3 weeks from today and if such a representation is filed, the concerned authority shall dispose of the representation at the earliest, keeping in mind the affect caused to the seniority of the petitioner in case of his transfer to the other district. It is further directed that in the meanwhile, status quo as it obtains today in relation to posting and services of the petitioner shall be maintained by the parties till the representation is decided.

The petition stands finally disposed of.

Sd/-
Sunil Kumar Sinha
Judge

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